

RECORDER
VANDERBURGH COUNTY
Z TULEY
2015R00018560
08/07/2015 3:26 PM
RECORDING FEES: 41.00
PAGES: 16

Wal-Mart Real Estate Trust
Ordinance No. G-2015-21

Introduced by: Councilman John Friend
Committee: Public Works

AN ORDINANCE TO VACATE CERTAIN PLATED EASEMENTS WITHIN THE PROPERTY BOUNDED BY DIAMOND AVENUE TO THE SOUTH, FIRST AVENUE TO THE EAST, COLORADO AVENUE EXTENDED TO THE NORTH, AND N. THIRD AVENUE EXTENDED TO THE WEST WITH COMMON ADDRESS OF 2500 N. FIRST AVENUE, EVANSVILLE, INDIANA.

BE IT ORDAINED by the Common Council of the City of Evansville, Indiana, as follows, to-wit:

Section I. That pursuant to EMC 12.05.450, a sworn petition was presented to the Common Council of the City of Evansville requesting that the plated easements described in Section III below be vacated by the City of Evansville.

Section II. That after due and proper notice a timely public hearing was convened by the Common Council, at which time all interested persons were permitted to address the Common Council regarding said vacations.

Section III. That the Common Council of the City of Evansville, after due investigation and consideration, has determined that the nature and extent of the public use and the public interest to be subserved is such as to warrant the vacation of that part of the plated easements described as follows, and further indicated on the vacation of platted easement attached hereto as Exhibit "A-1" and "A-2" which is hereby made a part of this Ordinance, and as more particularly described as follows:

THE WEST 4 FEET OF LOT 1, THE SOUTH 4 FEET OF LOTS 1 THROUGH 7, INCLUSIVE, THE EAST 4 FEET OF LOTS 7 AND 8, THE NORTH 4 FEET OF LOTS 8 THROUGH 14, INCLUSIVE, THE WEST 4 FEET OF LOT 14, THE EAST 4 FEET OF LOTS 15 THROUGH 18, INCLUSIVE, THE WEST 4 FEET OF OUTLOT 1, AND VACATED BEVERLY AVENUE, DALE AVENUE, AND ALLEYS, ALL IN FENWICK PLACE AS LAID OUT UPON LOT 3 AND PART OF LOT FOUR 4 IN BLOCK A IN AVONDALE, AN ADDITION TO THE CITY OF EVANSVILLE, ASPER PLAT THEREOF, RECORDED IN PLAT BOOK I, PAGES 239 AND 240 IN THE OFFICE OF THE RECORDER OF VANDERBURGH COUNTY, INDIANA.

FILED

JUL 06 2015

Jana Wiedner
CITY CLERK

Section IV. That the vacations of said plated easements described in Section III above are not subject to easements in favor of the parties identified below as follows:

- A. AT&T - This utility company has no facilities in the plated easements to be vacated, and therefore has no objection to the vacations as per the letter attached hereto as Exhibit "B-1", "B-2" and "B-3".
- B. Vectren - This utility company has no facilities in the plated easements to be vacated, and therefore has no objection to the vacations as per the letter attached hereto as Exhibit "C-1".
- C. Time Warner Cable - This utility company has no facilities in the plated easements to be vacated, and therefore has no objection to the vacations as per the letter attached hereto as Exhibit "D-1" and "D-2".
- D. WOW! - This utility company has no facilities in the plated easements to be vacated, and therefore has no objection to the vacations as per the letter attached hereto as Exhibit "E-1".
- E. Evansville Fire Department - This agency has no objection to the vacations as per the letter attached hereto as Exhibit "F-1".
- F. City/Traffic Engineer - This agency has no objection to the vacations as per the letter attached hereto as Exhibit "G-1", "G-2" and "G-3".

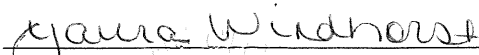
THEREFORE, the Common Council of the City of Evansville, Indiana, does hereby find the above-described plated easements are no longer required for public use and the public interest will be served by such vacation, and the Common Council of the City of Evansville does hereby vacate the plated easements described in Section III above subject to the terms and conditions as stated in this Ordinance.

Passed by the Common Council of Evansville, Indiana, on this 27 day of July, 2015, and on said day assigned by the President of said Common Council and attested by the City Clerk.



President

ATTEST:



City Clerk

Presented by me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said City, the 29 day of July, 2015, at 9:30 o'clock A.m.

Gawra W. Whitcomb
City Clerk

Having examined the foregoing Ordinance, I do, as Mayor of said City of Evansville, Indiana, approve said Ordinance, and return the same to the City Clerk, this 29th day of July, 2015, at 11:30 o'clock A.m.

Paul R. Rinehart
Mayor of the City of Evansville, Indiana

APPROVED AS TO FORM:

M. H. H.
City Attorney

THIS INSTRUMENT was prepared by Joseph D. Calderon, Bose McKinney & Evans LLP, 111 Monument circle, Suite 2700, Indianapolis, IN 46204

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Joseph D Calderon

RETURN TO: Joseph D. Calderon, Bose McKinney & Evans LLP, 111 Monument circle, Suite 2700, Indianapolis, IN 46204

EXHIBIT "A-1"

LEGAL DESCRIPTION

LEGAL DESCRIPTION OF AREA TO BE VACATED:

THE WEST 4 FEET OF LOT 1, THE SOUTH 4 FEET OF LOTS 1 THROUGH 7, INCLUSIVE, THE EAST 4 FEET OF LOTS 7 AND 8, THE NORTH 4 FEET OF LOTS 8 THROUGH 14, INCLUSIVE, THE WEST 4 FEET OF LOT 14, THE EAST 4 FEET OF LOTS 15 THROUGH 18, INCLUSIVE, THE WEST 4 FEET OF OUTLOT 1, AND VACATED BEVERLY AVENUE, DALE AVENUE, AND ALLEYS, ALL IN FENWICK PLACE AS LAID OUT UPON LOT 3 AND PART OF LOT FOUR 4 IN BLOCK A IN AVONDALE, AN ADDITION TO THE CITY OF EVANSVILLE, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK I, PAGES 239 AND 240 IN THE OFFICE OF THE RECORDER OF VANDERBURGH COUNTY, INDIANA.

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Construction Managers • Environmental Scientists • Landscape Architects • Planners

PROPOSED WAL-MART MARKET NO. 5452-00

2500 N. FIRST AVENUE, CITY OF EVANSVILLE, INDIANA

EASEMENT VACATION EXHIBIT

PROJ. MGR.: JTR
DRAWN BY: B.P
DATE: 04/20/15
SCALE: N/A

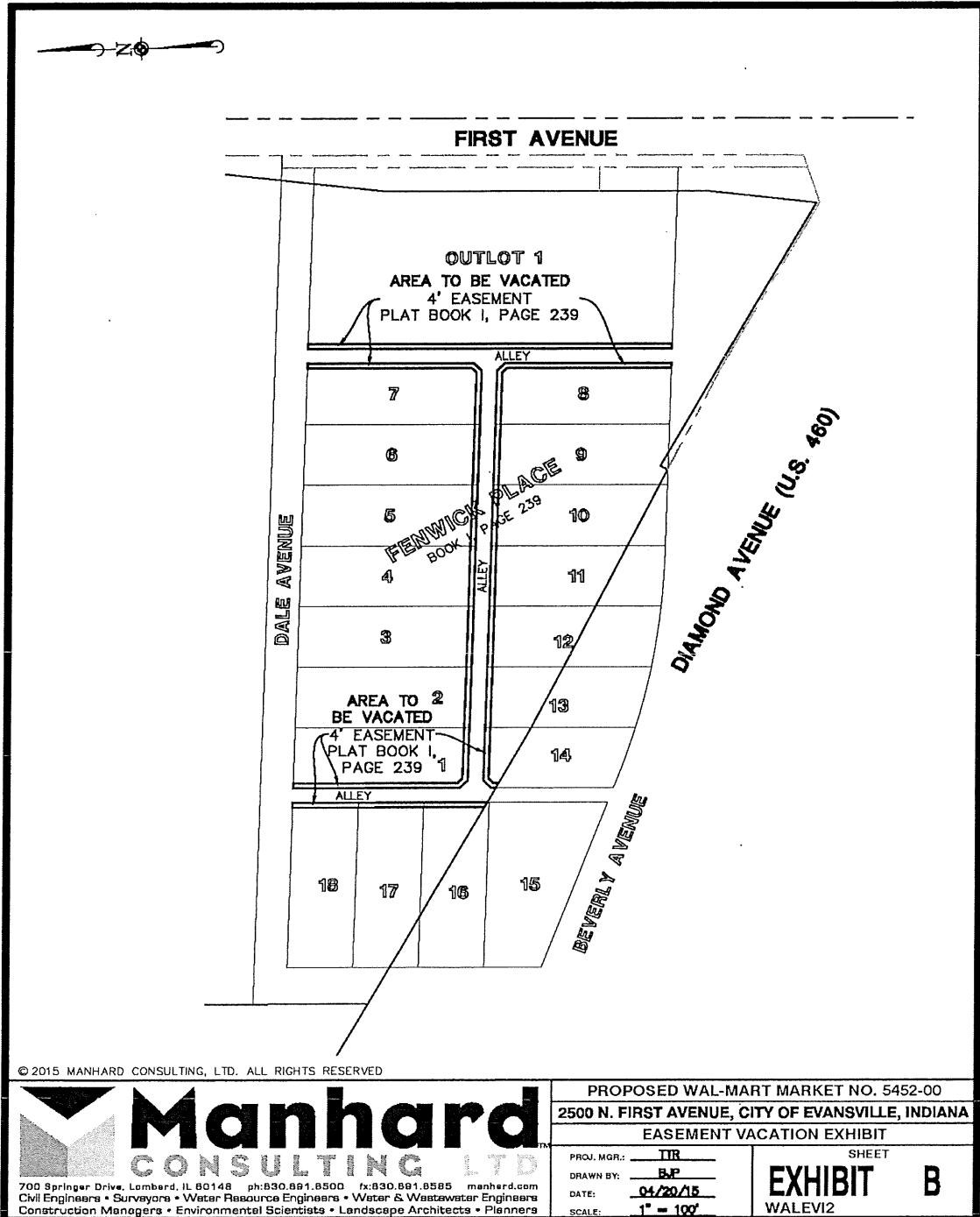
SHEET

EXHIBIT A
WALEVI2

4/20/2015 10:54 AM Dwg Name: P:\Walev2\dwg\Surv\Final Drawings\Exhibits\Surv\WALEVI2-FenwickVacation.dwg Updated By: B.Pfah

EXHIBIT "A-2"

EASEMENT VACATION EXHIBIT



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PROPOSED WAL-MART MARKET NO. 5452-00
2500 N. FIRST AVENUE, CITY OF EVANSVILLE, INDIANA
EASEMENT VACATION EXHIBIT

PROJ. MGR.: TIR	SHEET
DRAWN BY: BJP	EXHIBIT B
DATE: 04/20/15	
SCALE: 1" = 100'	WALEVI2

Dwg Name: P:\Walevi2.dwg\Surv\Final Drawings\Exhibits\WALEVI2-FenwickVacation.dwg Updated By: BPIphi

4/20/2015 10:54 AM

EXHIBIT "B-1"

AT&T Approval Letter



134 NW Sixth Street
Evansville, Indiana 47708

February 25, 2015

Brian Pfohl
Manhard Consulting
8008 E. Arapahoe Ct., Suite 110
Centennial, CO 80112

RE: Vacation of Easement – Fenwick Place

Mr. Pfohl,

AT&T Indiana has no objection to the vacation of the public utility easements north and west of Diamond Avenue and First Avenue in Fenwick Place as described in the legal description and exhibit included in your email of February 25, 2015 (attached).

AT&T Indiana has no facilities in the aforementioned area.

Regards,

A handwritten signature in black ink, appearing to read "Marc Clark", written over a horizontal line.

Marc Clark
AT&T Design Engineer
mc3429@att.com

EXHIBIT "B-2"

VACATION OF EASEMENT EXHIBIT

LEGAL DESCRIPTION OF AREA TO BE VACATED:

THE WEST 4 FEET OF LOT 1, THE SOUTH 4 FEET OF LOTS 1 THROUGH 7, INCLUSIVE, THE EAST 4 FEET OF LOTS 7 AND 8, THE NORTH 4 FEET OF LOTS 8 THROUGH 14, INCLUSIVE, THE WEST 4 FEET OF LOT 14, THE EAST 4 FEET OF LOTS 15 THROUGH 18, INCLUSIVE, THE WEST 4 FEET OF OUTLOT 1, AND VACATED BEVERLY AVENUE, DALE AVENUE, AND ALLEYS, ALL IN FENWICK PLACE AS LAID OUT UPON LOT 3 AND PART OF LOT FOUR 4 IN BLOCK A IN AVONDALE, AN ADDITION TO THE CITY OF EVANSVILLE, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK I, PAGES 239 AND 240 IN THE OFFICE OF THE RECORDER OF VANDERBURGH COUNTY, INDIANA.

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PROPOSED WAL-MART MARKET NO. 5452-00

2500 N. FIRST AVENUE, CITY OF EVANSVILLE, INDIANA

EASEMENT VACATION EXHIBIT

PROJ. MGR.: TR

DRAWN BY: B.P

DATE: 04/20/15

SCALE: N/A

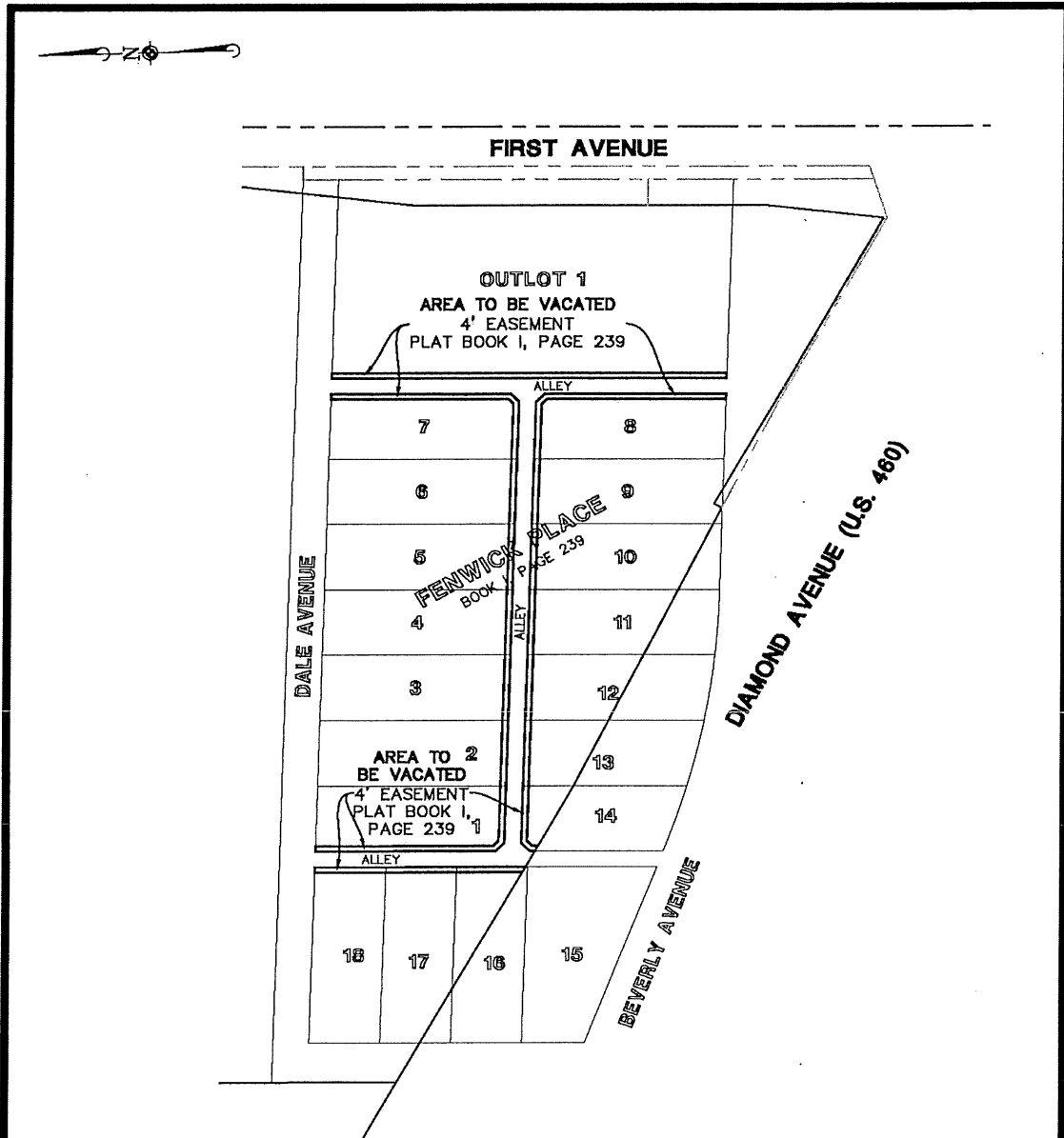
SHEET

EXHIBIT A
WALEV12

4/20/2015 10:54 AM Dwg Name: P:\Walev12\dwg\Surv\Final Drawings\Exhibits\Surv\WALEV12-FenwickVacation.dwg Updated By: BPlabli

EXHIBIT "B-3"

VACATION OF EASEMENT EXHIBIT



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PROPOSED WAL-MART MARKET NO. 5452-00	
2500 N. FIRST AVENUE, CITY OF EVANSVILLE, INDIANA	
EASEMENT VACATION EXHIBIT	
PROJ. MGR.: <u>TTR</u>	SHEET
DRAWN BY: <u>B.P.</u>	EXHIBIT B
DATE: <u>04/20/15</u>	
SCALE: <u>1" = 100'</u>	
WALEVI2	

Dwg Name: P:\Walevi2\dwg\Surv\Final Drawings\Exhibits Surv\WALEVI2-FenwickVacation.dwg Updated By: BPlchl 4/20/2015 10:54 AM

EXHIBIT "C-1"

VECTREN APPROVAL LETTER



Vectren Corporation
P.O. Box 209
Evansville, IN 47702-0209

March 2, 2015

Manhard Consulting
Attn: Brian J. Pfohl, P.L.S.
8008 E. Arapahoe Ct., Suite 110
Centennial, CO 80112

Re: Proposed vacation of a portion of 4' PUE's in Fenwick Place, as per plat thereof, recorded in Plat Book 1, Pages 239 and 240 in the office of the Recorder of Vanderburgh County, Indiana and further described on the attached Exhibits.

Petitioner:

Dear Mr. Pfohl:

Engineering representatives for Southern Indiana Gas and Electric Company, Inc. doing business as Vectren Energy Delivery of Indiana ("VEDI") have researched the above proposed vacation of right of way as shown and described on the attached Exhibit that you provided for us on February 26, 2015.

In view of these findings VEDI has no objection to the proposed petition to vacate a portion of the subject public right of way as referenced herein and as described on the Exhibits attached hereto.

The consent granted by VEDI for said vacation is valid for ninety (90) days. This is due to the constant installation of our facilities at numerous locations. If this vacation request is not petitioned and passed by the Common Council within this time period, this letter becomes invalid, requiring a new study to be done by VEDI.

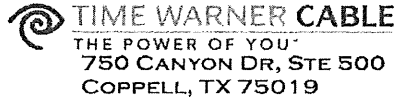
Please forward to my attention a copy of the recorded ordinance upon passing for our records.

Sincerely,

Colby Morris
Land Services, Right of Way Agent
Vectren Energy Delivery of Indiana
(812) 491-4785

EXHIBIT "D-1"

TIME WARNER CABLE APPROVAL LETTER



March 13, 2015

Brian J Pfohl, P.L.S.
Manhard Consulting LTD
700 Springer Dr.
Lombard, IL 60148

SUBJECT: Vacation of Easements - Fenwick Place - First Avenue and Diamond Avenue, Evansville, IN

We have reviewed your request for the above referenced Utility Easements, and Time Warner Cable (TWC) hereby grants the vacation of the west 4' of lot 1, the south 4' of lots 1 through 7 inclusive, the east 4' of lots 7 & 8, the north 4' of lots 8 through 14, inclusive, the west 4' of lot 14, the east 4' of lots 15 through 18 inclusive the west 4' of outlot 1 and vacated Beverly Ave., Dale Ave, and Alleys. All in Fenwick Place as laid out upon lot 3 and part of lot 4 in block A in Avondale, an addition to the City of Evansville, IN.

If applicable, please contact the Indiana Excavation Safety System (Indiana811) at 811 or 1-800-382-5544 to have facilities marked & located within affected easements before any excavations are started.

For future reference, please send all utility coordination, abandonments, encroachments, plat signatures, or serviceability requests, or notices of relocation to west-engineering-relo@twcable.com. Please share this information with whoever needs these services.

Sincerely,

Lisa Law
Manager of Data Operations
Time Warner Cable
750 Canyon Drive
Coppell, TX 75019
1-972-537-5323

EXHIBIT "D-2"

TIME WARNER CABLE EXHIBITS

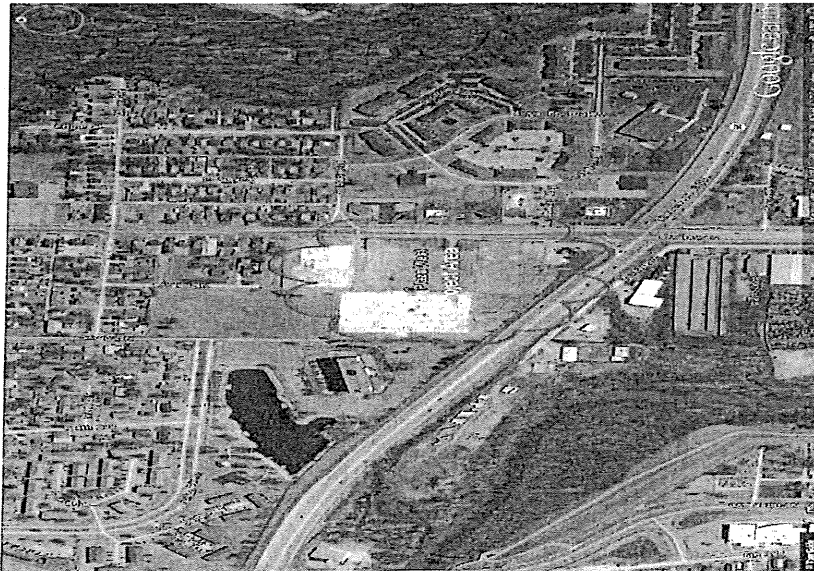
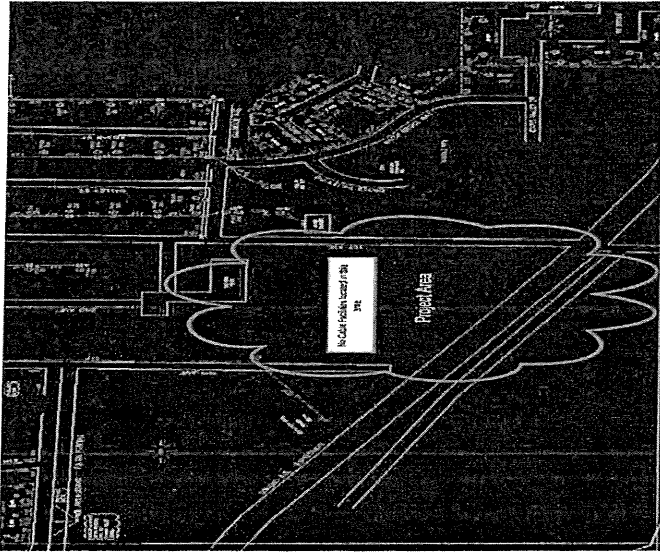


EXHIBIT "E-1"

WOW! APPROVAL LETTER



March 13, 2015
Manhard Consulting
700 Springer Drive
Lombard IL. 60148

Attn: Brian J. Pfohl

RE: Vacation of easements- Fenwick Place.

Dear Mr. Pfohl

The SIGECOM/WOW Outside Plant Engineering department reviewed the attached drawing. The findings of this review determined that SIGECOM/WOW does not have facilities within the Fenwick Place as per the plat recorded in plat book 1, pages 239 & 240 in the office of the recorder of Vanderburgh County, Indiana.

As a result of these findings, SIGECOM/WOW does not have any objection to the vacate proposal for Beverly Avenue, Dale Avenue and all easements within Fenwick Place as per the plat recorded in plat book 1, pages 239 & 240 in the office of the recorder of Vanderburgh County, Indiana.

This letter granted by Wide Open West for said vacation is valid for one hundred eighty (180) days. If the Evansville City Council passes this vacation request, I would like to receive a copy of the recorded ordinance to be used for the purpose of updating our records.

Please contact my office should you have any questions or need any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Rick Bowen".

Rick Bowen
Construction Engineering
SIGECOM/WOW
812-437-0395
rick_bowen@wideopenwest.com

Cc: file

EXHIBIT "F-1"

FIRE DEPARTMENT LETTER



LLOYD WINNECKE
MAYOR

MIKE CONNELLY
FIRE CHIEF

550 S.E. Eighth St. • Evansville, IN 47713-1786
(812) 435-6235 • FAX: (812) 435-6248 • TDD/Hearing Impaired: (812) 436-4925

April 22, 2015

Brian Pfohl
Manhard Consulting
700 Springer Drive
Lombard, IL 60148

RE: Petition for Vacation of Right-of-Way – Streets and Alleys listed below;

Mr. Pfohl;

We recognize & acknowledge request for Vacation Right-of-way of the following easements and roadways referenced on the Easement Vacation Exhibits, A & B, of Fenwick's Place Subdivision, Avondale, Vanderburgh County, Indiana.

- 1) 4' easements, on both sides of the alley, running east/west, between Lots 1 thru 14 of Fenwick Place Subdivision.
- 2) 4' easements, on both sides of the alley, running north/south, between Outlot 1 and Lots 7 & 8 of Fenwick Place Subdivision.
- 3) 4' easements on both sides of the alley, running north/south, between Lots 1 & 14 and 15 thru 18 of Fenwick Place Subdivision.
- 4) Dale Avenue in Fenwick Place Subdivision
- 5) Beverly Avenue in Fenwick Place Subdivision, (at least in part, already vacated)

Existing Conditions: Street/Roadway

Effect of Vacation on Fire Department: none

Recommendations: The Evansville Fire Department has no objection in closing of above referenced street(s), roadway(s), alley(s) or right-of-way(s).

Sincerely,

Dan Grimm
Chief Fire Marshal
Fire Prevention & Education
Evansville Fire Department
550 SE 8th Street
Evansville, IN 47713
812.436.4428



EXHIBIT "G-1"

CITY/TRAFFIC ENGINEER LETTER



City Engineer's Office
CIVIC CENTER COMPLEX, ROOM 321
1 N.W. MARTIN LUTHER KING, JR BLVD.
EVANSVILLE, INDIANA 47708-1875
Phone: (812) 436-4990 FAX: (812) 436-4976
TDD/Hearing Impaired (812) 436-4934

LLOYD WINNECKE
MAYOR

BRENT A. SCHMITT, P.E.
CITY ENGINEER

March 11, 2015

Mr. Brian Pfohl
Manhard Consulting
700 Springer Drive
Lombard, IL 60148

Re: Proposed Vacation of Public Utility Easements at 2500 N. First Avenue as shown
in Exhibit A and Exhibit B

Dear Mr. Pfohl:

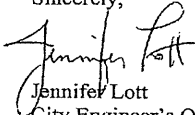
In regards to the above referenced subject, the following comments are provided:

The areas proposed to be vacated are bounded by privately owned lands, and the subject areas are not utilized for public through-traffic. There are no public facilities under the jurisdiction of this office situated within the areas proposed to be vacated, and vacation would have no effect on future plans of this office.

As such, this office has no objections to the proposed vacation.

Thank you and please feel free to contact me if you have any questions.

Sincerely,


Jennifer Lott
City Engineer's Office

Cc: File

EXHIBIT "G-2"

VACATION OF EASEMENT EXHIBIT

LEGAL DESCRIPTION OF AREA TO BE VACATED:

THE WEST 4 FEET OF LOT 1, THE SOUTH 4 FEET OF LOTS 1 THROUGH 7, INCLUSIVE, THE EAST 4 FEET OF LOTS 7 AND 8, THE NORTH 4 FEET OF LOTS 8 THROUGH 14, INCLUSIVE, THE WEST 4 FEET OF LOT 14, THE EAST 4 FEET OF LOTS 15 THROUGH 18, INCLUSIVE, THE WEST 4 FEET OF OUTLOT 1, AND VACATED BEVERLY AVENUE, DALE AVENUE, AND ALLEYS, ALL IN FENWICK PLACE AS LAID OUT UPON LOT 3 AND PART OF LOT FOUR 4 IN BLOCK A IN AVONDALE, AN ADDITION TO THE CITY OF EVANSVILLE, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK I, PAGES 239 AND 240 IN THE OFFICE OF THE RECORDER OF VANDERBURGH COUNTY, INDIANA.

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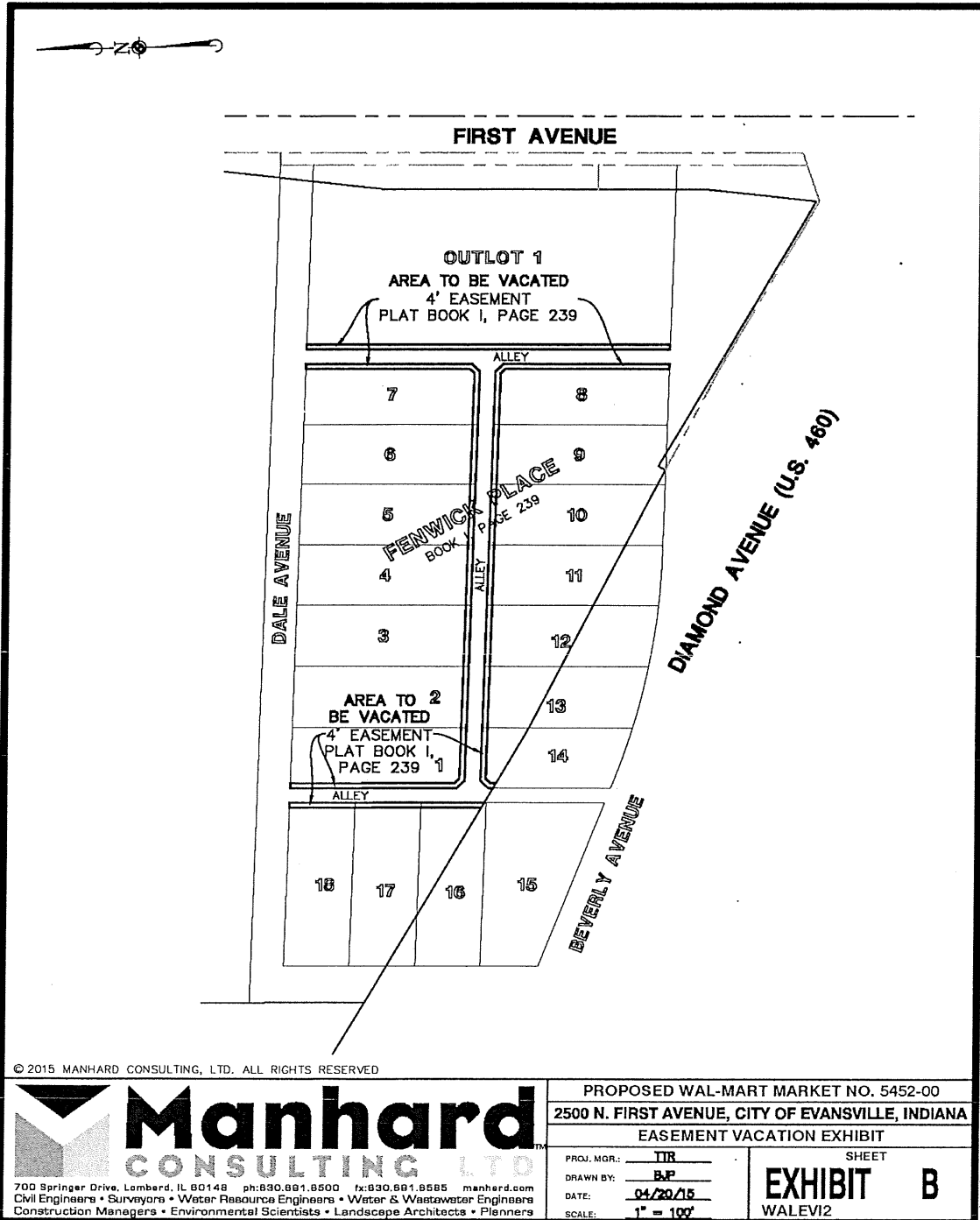
PROPOSED WAL-MART MARKET NO. 5452-00	
2500 N. FIRST AVENUE, CITY OF EVANSVILLE, INDIANA	
EASEMENT VACATION EXHIBIT	
PROJ. MGR.: <u>TJR</u>	SHEET
DRAWN BY: <u>BJP</u>	EXHIBIT A WALEV12
DATE: <u>04/20/15</u>	
SCALE: <u>N/A</u>	

Dwg Name: P:\Walev12\dwg\Surv\Final Drawings\Exhibits Surv\WALEV12-FenwickVacation.dwg Updated By: BPlch

4/20/2015 10:54 AM

EXHIBIT "G-3"

VACATION OF EASEMENT EXHIBIT



Dwg Name: P:\Walevi2\dwg\Surv\Final Drawings\Exhibits\WALEVI2-FenwickVacation.dwg Updated By: B.P.fah

4/20/2015 10:54 AM

BEFORE THE COMMON COUNCIL OF THE CITY OF EVANSVILLE

**PETITION FOR THE VACATION OF PLATTED EASEMENTS WITHIN THE PROPERTY
BOUNDED BY DIAMOND AVENUE TO THE SOUTH, FIRST AVENUE TO THE EAST,
COLORADO AVENUE EXTENDED TO THE NORTH, AND N. THIRD AVENUE EXTENDED
TO THE WEST WITH COMMON ADDRESS OF 2500 N. FIRST AVENUE, EVANSVILLE,
INDIANA.**

Petitioners: Wal-Mart Real Estate Business Trust.

Address: 2001 S.E. 10th Street
Bentonville, Arkansas 72716

1. Petition is hereby made pursuant to the provisions of I.C. 36-7-3-12 through I.C. 36-7-3-16 and Sections 12.05.450 through 12.05.510 of the Municipal Code of Evansville, for the vacation of platted easements with legal description as follows:

THE WEST 4 FEET OF LOT 1, THE SOUTH 4 FEET OF LOTS 1 THROUGH 7, INCLUSIVE, THE EAST 4 FEET OF LOTS 7 AND 8, THE NORTH 4 FEET OF LOTS 8 THROUGH 14, INCLUSIVE, THE WEST 4 FEET OF LOT 14, THE EAST 4 FEET OF LOTS 15 THROUGH 18, INCLUSIVE, THE WEST 4 FEET OF OUTLOT 1, AND VACATED BEVERLY AVENUE, DALE AVENUE, AND ALLEYS, ALL IN FENWICK PLACE AS LAID OUT UPON LOT 3 AND PART OF LOT FOUR 4 IN BLOCK A IN AVONDALE, AN ADDITION TO THE CITY OF EVANSVILLE, ASPER PLAT THEREOF, RECORDED IN PLAT BOOK I, PAGES 239 AND 240 IN THE OFFICE OF THE RECORDER OF VANDERBURGH COUNTY, INDIANA.

all of which are located in Evansville, Vanderburgh County, Indiana, more particularly described and shown on attachments Exhibit "A-1" and Exhibit "A-2".

2. Petitioner, Wal-Mart Real Estate Business Trust., is a Delaware statutory trust, with its principal office and place of business at 2001 S.E. 10th Street, Bentonville, Arkansas 72716.

3. Petitioners request the vacation of said platted easements to facilitate construction of a stormwater detention basin which will serve its proposed Walmart Market Store #5452-00.

4. The names and address of the persons who, in addition to the Petitioners, own property which is located within two hundred (200) feet of the platted easements to be vacated by this petition, are attached hereto as Exhibit "B-1".

5. AT&T does not have facilities in the platted easements to be vacated, and therefore has no objection to the vacation per the letter attached hereto as Exhibit "C-1", "C-2" and "C-3".

6. Vectren does not have facilities in the platted easements to be vacated, and therefore has no objection to the vacation per the letter attached hereto as Exhibit "D-1".

7. Time Warner Cable does not have facilities in the platted easements to be vacated, and therefore has no objection to the vacation per the letter attached hereto as Exhibit "E-1" and Exhibit "E-2".

8. W.O.W. does not have facilities in the platted easements to be vacated, and therefore has no objection to the vacation per the letter attached hereto as Exhibit "F-1".

FILED

JUL 06 2015

Anna Winkler
CITY CLERK

9. The Evansville Fire Department has no objection to the vacation of platted easements per their letter attached hereto as Exhibit "G-1".

10. The City/Traffic Engineer has no objection to the vacation of platted easements per their letter attached hereto as Exhibit "H-1", "H-2" and H-3".

[SIGNATURE AND NOTARY ACKNOWLEDGEMENT ON FOLLOWING PAGE]

DATED this 17th day of June, 2015.

Wal-Mart Real Estate Business Trust.

By: [Signature]
Printed: Frank Pampalone
Title: Director

STATE OF ARKANSAS)
COUNTY OF BENTON) SS:

Before me, a Notary Public, within and for said County and State, came Frank Pampalone, the Director of Wal-Mart Real Estate Business Trust, a Delaware statutory trust authorized to do business in Indiana, acknowledged the execution of the foregoing Petition for the Vacation of Platted Easements within the area described as follows: THE WEST 4 FEET OF LOT 1, THE SOUTH 4 FEET OF LOTS 1 THROUGH 7, INCLUSIVE, THE EAST 4 FEET OF LOTS 7 AND 8, THE NORTH 4 FEET OF LOTS 8 THROUGH 14, INCLUSIVE, THE WEST 4 FEET OF LOT 14, THE EAST 4 FEET OF LOTS 15 THROUGH 18, INCLUSIVE, THE WEST 4 FEET OF OUTLOT 1, AND VACATED BEVERLY AVENUE, DALE AVENUE, AND ALLEYS, ALL IN FENWICK PLACE AS LAID OUT UPON LOT 3 AND PART OF LOT FOUR 4 IN BLOCK A IN AVONDALE, AN ADDITION TO THE CITY OF EVANSVILLE, ASPER PLAT THEREOF, RECORDED IN PLAT BOOK I, PAGES 239 AND 240 IN THE OFFICE OF THE RECORDER OF VANDERBURGH COUNTY, INDIANA, for and on behalf of said statutory trust.

WITNESS my hand and Notarial Seal this 17th day of June, 2015.

County of residence:

Benton County.

My commission expires:

11-15-2021

[Signature]
Notary Public

Courtanie Ortiz
(Printed Name)

COURTNIE D ORTIZ
NOTARY PUBLIC
BENTON COUNTY, ARKANSAS
COMMISSION # 12384731
DATE OF EXPIRATION 11-15-2021

EXHIBIT "A-1"

LEGAL DESCRIPTION

LEGAL DESCRIPTION OF AREA TO BE VACATED:

THE WEST 4 FEET OF LOT 1, THE SOUTH 4 FEET OF LOTS 1 THROUGH 7, INCLUSIVE, THE EAST 4 FEET OF LOTS 7 AND 8, THE NORTH 4 FEET OF LOTS 8 THROUGH 14, INCLUSIVE, THE WEST 4 FEET OF LOT 14, THE EAST 4 FEET OF LOTS 15 THROUGH 18, INCLUSIVE, THE WEST 4 FEET OF OUTLOT 1, AND VACATED BEVERLY AVENUE, DALE AVENUE, AND ALLEYS, ALL IN FENWICK PLACE AS LAID OUT UPON LOT 3 AND PART OF LOT FOUR 4 IN BLOCK A IN AVONDALE, AN ADDITION TO THE CITY OF EVANSVILLE, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK I, PAGES 239 AND 240 IN THE OFFICE OF THE RECORDER OF VANDERBURGH COUNTY, INDIANA.

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Civil Engineers • Surveyors • Water Resource Engineers • Water & Wastewater Engineers
Construction Managers • Environmental Scientists • Landscape Architects • Planners

PROPOSED WAL-MART MARKET NO. 5452-00

2500 N. FIRST AVENUE, CITY OF EVANSVILLE, INDIANA

EASEMENT VACATION EXHIBIT

PROJ. MGR.: TJR

DRAWN BY: BJP

DATE: 04/20/15

SCALE: N/A

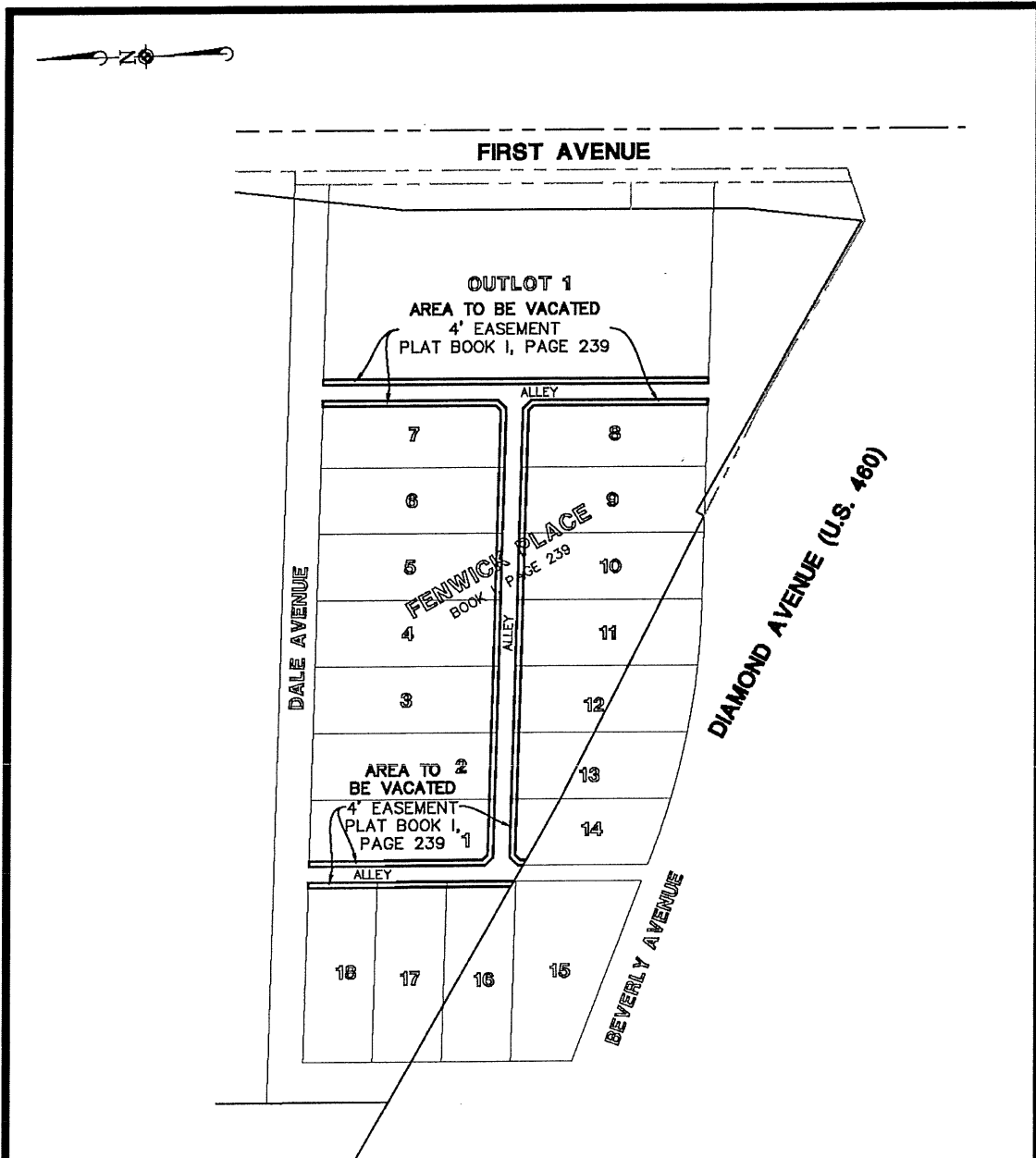
SHEET

EXHIBIT A
WALEVI2

Dwg Name: P:\Walevi2\dwg\Surv\Final Drawings\Exhibits Surv\WALEVI2-FenwickVacation.dwg Updated By: BProhl 4/20/2015 10:54 AM

EXHIBIT "A-2"

EASEMENT VACATION EXHIBIT



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PROPOSED WAL-MART MARKET NO. 5452-00	
2500 N. FIRST AVENUE, CITY OF EVANSVILLE, INDIANA	
EASEMENT VACATION EXHIBIT	
PROJ. MGR.: <u>TIR</u>	SHEET
DRAWN BY: <u>BJP</u>	EXHIBIT B WALEVI2
DATE: <u>04/20/15</u>	
SCALE: <u>1" = 100'</u>	

Dwg Name: P:\Walevi2\dwg\Surv\Final Drawings\Exhibits Surv\Walevi2-FenwickVacation.dwg Updated By: BPFohl 4/20/2015 10:54 AM

EXHIBIT "B-1"

ADJACENT PROPERTY OWNERS

Grandview Tower Ltd c/o
P/R Investment Corp
11555 N. Meridian Street,
Suite 400
Carmel, IN 46032-6945

City of Evansville
City County Bldg.
Evansville, IN 47708

Susan B. Marx
2703 First Avenue
Evansville, IN 47710

Centurion Federal Credit
Union
2511 First Avenue
Evansville, IN 47710

Remnant Super Mart
2418 First Avenue
Evansville, IN 47710

Kris Davenport
2701 First Avenue
Evansville, IN 47710

BR Associates Inc.
4201 Mannheim Road, Suite
A
Jasper, IN 47546-9617

Daniel L. Danks & Michael
R. Hanes
7104 Hogue Road
Evansville, IN 47712

Howard Nelson
2613 N. First Avenue
Evansville, IN 47710

BR Associates Inc.
4201 Mannheim Road, Suite
A
Jasper, IN 47546-9617

Chancellor Media Whiteco
Outdoor Corp.
c/o Lamar
4201 E. Morgan Avenue
Evansville, IN 47715

PK Ventures LLC
2120 Kratochvil Lane
Evansville, IN 47720

Oakbrook Development LLC
2710 First Avenue
Evansville, IN 47710

Beverly Heights LLC
3600 Koressel Road
Evansville, IN 47720

William F. Richardson et al
6131 Wedeking Avenue,
Bldg. G
Suite 1
Evansville, IN 47715

Diamond Valley Investments
LLC
1011 W. Franklin Street
Evansville, IN 47710

Richard D. Biggs
2715 First Avenue
Evansville, IN 47710

Diamond Valley
Investments, LLC
728 N. Cross Pointe Blvd.
Evansville, IN 47715

Beverly Heights LLC
3600 Koressel Road
Evansville, IN 47720

Welcome Management LLC
9000 Cleveland Road
Poseyville, IN 47633

Paws Up LLC
2613 N. First Avenue
Evansville, IN 47710

Charles J. Nicholas
1480 Winton Avenue
Lakewood, OH 44107

David Herrmann
P.O. Box 2423
Evansville, IN 47728-0423

William Frank Richardson IV
4201 A Mannheim Road
Jasper, IN 47546-9618

EXHIBIT "C-1"

AT&T APPROVAL LETTER



134 NW Sixth Street
Evansville, Indiana 47708

February 25, 2015

Brian Pfohl
Manhard Consulting
8008 E. Arapahoe Ct., Suite 110
Centennial, CO 80112

RE: Vacation of Easement – Fenwick Place

Mr. Pfohl,

AT&T Indiana has no objection to the vacation of the public utility easements north and west of Diamond Avenue and First Avenue in Fenwick Place as described in the legal description and exhibit included in your email of February 25, 2015 (attached).

AT&T Indiana has no facilities in the aforementioned area.

Regards,

A handwritten signature in black ink, appearing to read "Marc Clark", written over a horizontal line.

Marc Clark
AT&T Design Engineer
mc3429@att.com

EXHIBIT "C-2"

AT&T VACATION OF EASEMENT LEGAL EXHIBIT

LEGAL DESCRIPTION OF AREA TO BE VACATED:

THE WEST 4 FEET OF LOT 1, THE SOUTH 4 FEET OF LOTS 1 THROUGH 7, INCLUSIVE, THE EAST 4 FEET OF LOTS 7 AND 8, THE NORTH 4 FEET OF LOTS 8 THROUGH 14, INCLUSIVE, THE WEST 4 FEET OF LOT 14, THE EAST 4 FEET OF LOTS 15 THROUGH 18, INCLUSIVE, THE WEST 4 FEET OF OUTLOT 1, AND VACATED BEVERLY AVENUE, DALE AVENUE, AND ALLEYS, ALL IN FENWICK PLACE AS LAID OUT UPON LOT 3 AND PART OF LOT FOUR 4 IN BLOCK A IN AVONDALE, AN ADDITION TO THE CITY OF EVANSVILLE, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK I, PAGES 239 AND 240 IN THE OFFICE OF THE RECORDER OF VANDERBURGH COUNTY, INDIANA.

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PROPOSED WAL-MART MARKET NO. 5452-00
2500 N. FIRST AVENUE, CITY OF EVANSVILLE, INDIANA

EASEMENT VACATION EXHIBIT

PROJ. MGR.: TJR
DRAWN BY: BP
DATE: 04/20/15
SCALE: N/A

SHEET

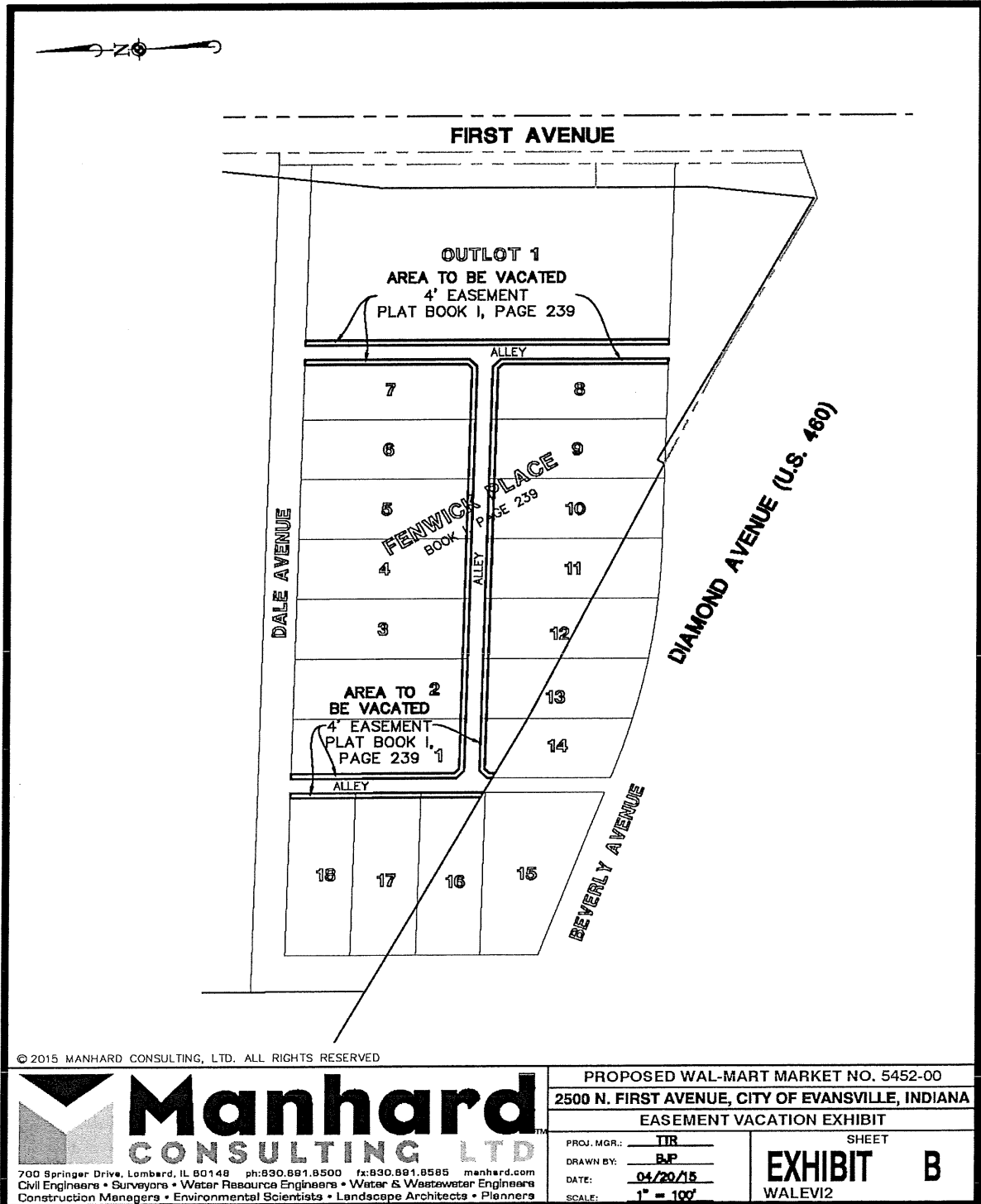
EXHIBIT A
WALEVI2

Dwg Name: P:\Walevi2\dwg\Surv\Final Drawings\Exhibits Surv\WALEVI2-FenwickVacation.dwg Updated By: BPfah

4/20/2015 10:54 AM

EXHIBIT "C-3"

AT&T EXHIBIT



Dwg Name: P:\Walevi2\dwg\Surv\Final Drawings\Exhibits\Surv\WALEVI2-FenwickVacation.dwg Updated By: BPIch 4/20/2015 10:54 AM

EXHIBIT "D-1"

VECTREN APPROVAL LETTER



Vectren Corporation
P.O. Box 209
Evansville, IN 47702-0209

March 2, 2015

Manhard Consulting
Attn: Brian J. Pfohl, P.L.S.
8008 E. Arapahoe Ct., Suite 110
Centennial, CO 80112

Re: Proposed vacation of a portion of 4' PUE's in Fenwick Place, as per plat thereof, recorded in Plat Book I, Pages 239 and 240 in the office of the Recorder of Vanderburgh County, Indiana and further described on the attached Exhibits.

Petitioner:

Dear Mr. Pfohl:

Engineering representatives for Southern Indiana Gas and Electric Company, Inc. doing business as Vectren Energy Delivery of Indiana ("VEDI") have researched the above proposed vacation of right of way as shown and described on the attached Exhibit that you provided for us on February 26, 2015.

In view of these findings VEDI has no objection to the proposed petition to vacate a portion of the subject public right of way as referenced herein and as described on the Exhibits attached hereto.

The consent granted by VEDI for said vacation is valid for ninety (90) days. This is due to the constant installation of our facilities at numerous locations. If this vacation request is not petitioned and passed by the Common Council within this time period, this letter becomes invalid, requiring a new study to be done by VEDI.

Please forward to my attention a copy of the recorded ordinance upon passing for our records.

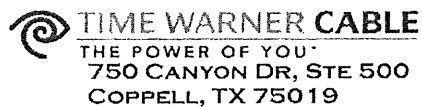
Sincerely,

A handwritten signature in cursive script that reads "Colby Morris".

Colby Morris
Land Services, Right of Way Agent
Vectren Energy Delivery of Indiana
(812) 491-4785

EXHIBIT "E-1"

TIME WARNER CABLE APPROVAL LETTER



March 13, 2015

Brian J Pfohl, P.L.S.
Manhard Consulting LTD
700 Springer Dr.
Lombard, IL 60148

SUBJECT: Vacation of Easements - Fenwick Place - First Avenue and Diamond Avenue, Evansville, IN

We have reviewed your request for the above referenced Utility Easements, and Time Warner Cable (TWC) hereby grants the vacation of the west 4' of lot 1, the south 4' of lots 1 through 7 inclusive, the east 4' of lots 7 & 8, the north 4' of lots 8 through 14, inclusive, the west 4' of lot 14, the east 4' of lots 15 through 18 inclusive the west 4' of outlot 1 and vacated Beverly Ave., Dale Ave, and Alleys. All in Fenwick Place as laid out upon lot 3 and part of lot 4 in block A in Avondale, an addition to the City of Evansville, IN.

If applicable, please contact the Indiana Excavation Safety System (Indiana811) at 811 or 1-800-382-5544 to have facilities marked & located within affected easements before any excavations are started.

For future reference, please send all utility coordination, abandonments, encroachments, plat signatures, or serviceability requests, or notices of relocation to west-engineering-relo@twcable.com. Please share this information with whoever needs these services.

Sincerely,

Lisa Law
Manager of Data Operations
Time Warner Cable
750 Canyon Drive
Coppell, TX 75019
1-972-537-5323

TIME WARNER CABLE EXHIBITS



EXHIBIT "F-1"

WOW! APPROVAL LETTER



March 13, 2015
Manhard Consulting
700 Springer Drive
Lombard IL. 60148

Attn: Brian J. Pfohl

RE: Vacation of easements- Fenwick Place.

Dear Mr. Pfohl

The SIGECOM/WOW Outside Plant Engineering department reviewed the attached drawing. The findings of this review determined that SIGECOM/WOW does not have facilities within the Fenwick Place as per the plat recorded in plat book 1, pages 239 & 240 in the office of the recorder of Vanderburgh County, Indiana.

As a result of these findings, SIGECOM/WOW does not have any objection to the vacate proposal for Beverly Avenue, Dale Avenue and all easements within Fenwick Place as per the plat recorded in plat book 1, pages 239 & 240 in the office of the recorder of Vanderburgh County, Indiana.

This letter granted by Wide Open West for said vacation is valid for one hundred eighty (180) days. If the Evansville City Council passes this vacation request, I would like to receive a copy of the recorded ordinance to be used for the purpose of updating our records.

Please contact my office should you have any questions or need any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Rick Bowen".

Rick Bowen
Construction Engineering
SIGECOM/WOW
812-437-0395
rick_bowen@wideopenwest.com

Cc: file

EXHIBIT "G-1"

THE EVANSVILLE FIRE DEPARTMENT'S LETTER OF APPROVAL



LLOYD WINNECKE
MAYOR

MIKE CONNELLY
FIRE CHIEF

550 S.E. Eighth St. • Evansville, IN 47713-1786
(812) 435-6235 • FAX: (812) 435-6248 • TDD/Hearing Impaired: (812) 436-4925

April 22, 2015

Brian Pfohl
Manhard Consulting
700 Springer Drive
Lombard, IL 60148

RE: Petition for Vacation of Right-of-Way – Streets and Alleys listed below;

Mr. Pfohl;

We recognize & acknowledge request for Vacation Right-of-way of the following easements and roadways referenced on the Easement Vacation Exhibits, A & B, of Fenwick's Place Subdivision, Avondale, Vanderburgh County, Indiana.

- 1) 4' easements, on both sides of the alley, running east/west, between Lots 1 thru 14 of Fenwick Place Subdivision.
- 2) 4' easements, on both sides of the alley, running north/south, between Outlot 1 and Lots 7 & 8 of Fenwick Place Subdivision.
- 3) 4' easements on both sides of the alley, running north/south, between Lots 1 & 14 and 15 thru 18 of Fenwick Place Subdivision.
- 4) Dale Avenue in Fenwick Place Subdivision
- 5) Beverly Avenue in Fenwick Place Subdivision, (at least in part, already vacated)

Existing Conditions: Street/Roadway

Effect of Vacation on Fire Department: none

Recommendations: The Evansville Fire Department has no objection in closing of above referenced street(s), roadway(s), alley(s) or right-of-way(s).

Sincerely,

Dan Grimm
Chief Fire Marshal
Fire Prevention & Education
Evansville Fire Department
550 SE 8th Street
Evansville, IN 47713
812.436.4428



EXHIBIT "H-1"

THE CITY OF EVANSVILLE ENGINEER'S LETTER OF APPROVAL



City Engineer's Office
CIVIC CENTER COMPLEX, ROOM 321
1 N.W. MARTIN LUTHER KING, JR BLVD.
EVANSVILLE, INDIANA 47708-1875
Phone: (812) 436-4990 FAX: (812) 436-4976
TDD/Hearing Impaired (812) 436-4934

LLOYD WINNECKE
MAYOR

BRENT A. SCHMITT, P.E.
CITY ENGINEER

March 11, 2015

Mr. Brian Pfohl
Manhard Consulting
700 Springer Drive
Lombard, IL 60148

Re: Proposed Vacation of Public Utility Easements at 2500 N. First Avenue as shown
in Exhibit A and Exhibit B

Dear Mr. Pfohl:

In regards to the above referenced subject, the following comments are provided:

The areas proposed to be vacated are bounded by privately owned lands, and the subject areas are not utilized for public through-traffic. There are no public facilities under the jurisdiction of this office situated within the areas proposed to be vacated, and vacation would have no effect on future plans of this office.

As such, this office has no objections to the proposed vacation.

Thank you and please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Lott".

Jennifer Lott
City Engineer's Office

Cc: File

EXHIBIT "H-2"

CITY OF EVANSVILLE APPROVAL LETTER EXHIBIT

LEGAL DESCRIPTION OF AREA TO BE VACATED:

THE WEST 4 FEET OF LOT 1, THE SOUTH 4 FEET OF LOTS 1 THROUGH 7, INCLUSIVE, THE EAST 4 FEET OF LOTS 7 AND 8, THE NORTH 4 FEET OF LOTS 8 THROUGH 14, INCLUSIVE, THE WEST 4 FEET OF LOT 14, THE EAST 4 FEET OF LOTS 15 THROUGH 18, INCLUSIVE, THE WEST 4 FEET OF OUTLOT 1, AND VACATED BEVERLY AVENUE, DALE AVENUE, AND ALLEYS, ALL IN FENWICK PLACE AS LAID OUT UPON LOT 3 AND PART OF LOT FOUR 4 IN BLOCK A IN AVONDALE, AN ADDITION TO THE CITY OF EVANSVILLE, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK I, PAGES 239 AND 240 IN THE OFFICE OF THE RECORDER OF VANDERBURGH COUNTY, INDIANA.

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PROPOSED WAL-MART MARKET NO. 5452-00

2500 N. FIRST AVENUE, CITY OF EVANSVILLE, INDIANA

EASEMENT VACATION EXHIBIT

PROJ. MGR.: TJR

SHEET

DRAWN BY: B.P

DATE: 04/20/15

SCALE: N/A

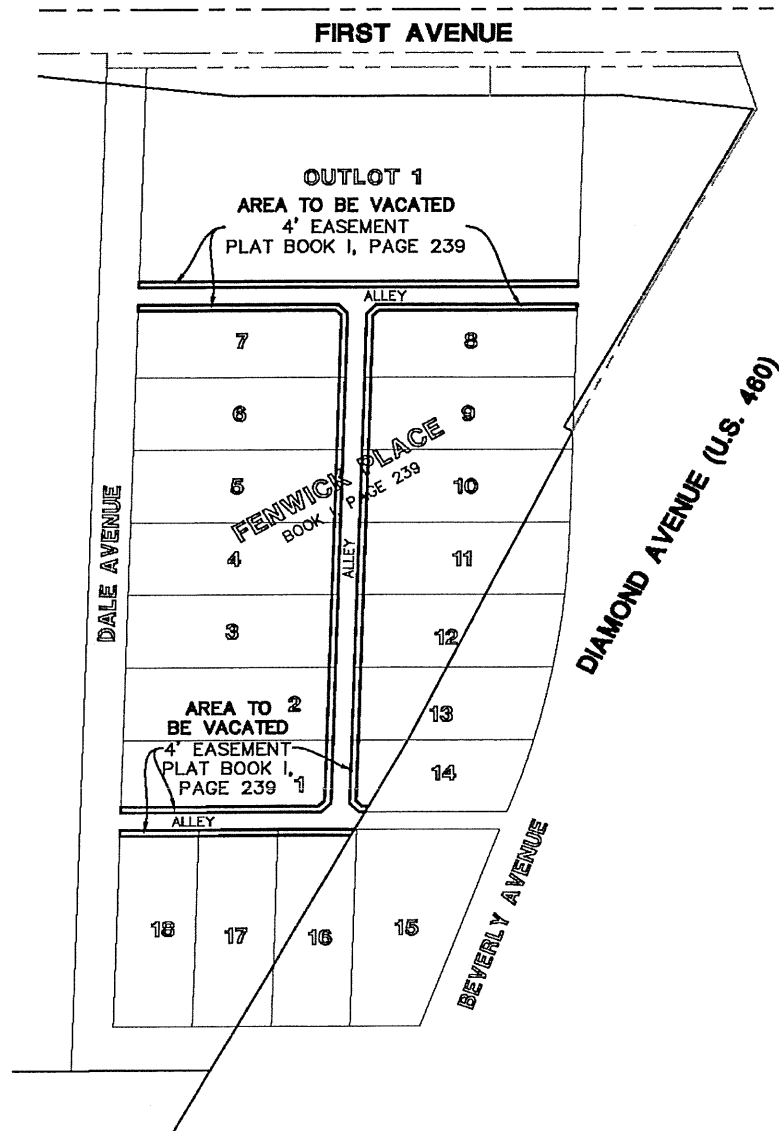
EXHIBIT A
WALEVI2

Dwg Name: P:\Walevi2\dwg\Surv\Final Drawings\Exhibits\Surv\WALEVI2-FenwickVacation.dwg Updated By: Bpfohl

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EXHIBIT "H-3"

CITY OF EVANSVILLE APPROVAL LETTER EXHIBIT



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PROPOSED WAL-MART MARKET NO. 5452-00	
2500 N. FIRST AVENUE, CITY OF EVANSVILLE, INDIANA	
EASEMENT VACATION EXHIBIT	
PROJ. MGR.: <u>TTR</u>	SHEET
DRAWN BY: <u>B.P.</u>	EXHIBIT B WALEVI2
DATE: <u>04/20/15</u>	
SCALE: <u>1" = 100'</u>	

Dwg Name: P:\Walevi2\dwg\Surv\Final Drawings\Exhibits Surv\WALEVI2-FenwickVacation.dwg Updated By: B.P.fht

4/20/2015 10:54 AM

